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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 KNIFE RIGHTS, INC., JOHN COPELAND and PEDRO PEREZ,

5 PLAINTIFFS,

6 -against-

Case No.:
11CV3918

7 CYRUS VANCE, JR., in his Official Capacity as the New York
8 District Attorney, CITY OF NEW YORK and ERIC SCHNEIDER, in
9 his Official Capacity as Attorney General of the State Of
10 New York,

DEFENDANTS.

11 -----X

12 DATE: April 26, 2012

13 TIME: 10:06 A.M.

14

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16 DEPOSITION of the Plaintiff, KNIFE RIGHTS,
17 INC., by a Witness, DOUG RITTER, taken by the Defendants,
18 pursuant to a Notice and to the Federal Rules of Civil
19 Procedure, held at the offices of Jay Suites, 30 Broad
20 Street, 14th Floor, New York, New York 10038, before
21 RENATE E. MOY, a Notary Public of the State of New York.

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1 A P P E A R A N C E S:

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4 DAVID JENSEN, PLLC

5 Attorney for the Plaintiff
6 KNIFE RIGHTS, INC.7 111 John Street, Suite 230
8 New York, New York 10038

9 BY: DAVID D. JENSEN, ESQ.

10

11 NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

12 Attorney for the Defendant

13 CYRUS R. VANCE, JR.

14 One Hogan Place

15 New York, New York 10013

16 BY: PATRICIA J. BAILEY, ESQ.

17

18 MICHAEL A. CARDOZO, ESQ.

19 CORPORATION COUNSEL

20 THE NEW YORK CITY LAW DEPARTMENT

21 Attorney for the Defendant

22 CITY OF NEW YORK

23 100 Church Street

24 New York, New York 10007

25 BY: LOUISE LIPPIN, ESQ.

File #: 2010-018277

Control #: BBB04039

17

18 NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

19 Attorney for the Defendant

20 ERIC SCHNEIDERMAN b/s/h/a ERIC SCHNEIDER

21 80 Centre Street

22 New York, New York 10013

23 BY: EVA MARIE DOWDELL, ESQ.

24

25 ALSO PRESENT:

SCOTT BACH,

Legal Advisor to Knife Rights, Inc. (Observing)

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D. RITTER

1 D O U G R I T T E R, called as a witness, having been
2 first duly sworn by a Notary Public of the State of New
3 York, was examined and testified as follows:

4 EXAMINATION BY

5 MS. BAILEY:

6 (Whereupon, a 17-page document was
7 collectively marked as Defendants' Exhibit A, a
8 9-page document was collectively marked as
9 Defendants' Exhibit B, a series of documents
10 Bates-stamped KR00397 though KR00508 was
11 collectively marked as Defendants' Exhibit C, an
12 8-page 2008 tax return was marked as Defendants'
13 Exhibit D, an 11-page 2009 tax return was marked
14 as Defendants' Exhibit E for identification as of
15 this date by the Reporter.)

16 Q. Please state your name for the record.

17 A. Doug Ritter.

18 Q. What is your address?

19 A. P.O. Box 657, Gilbert, Arizona 85299.

20 Q. Good morning, Mr. Ritter. How are you?

21 A. Fine.

22 Q. My name is Patricia Bailey. I'm an Assistant
23 District Attorney and I represent the Defendant New York
24 County District Attorney Cyrus R. Vance Jr. in this case.
25 I am going to ask you a few questions this morning. I'm

D. RITTER

1 A. You would have to go to KnifeWorks.com.

2 Q. Are you affiliated with KnifeWorks.com?

3 A. They licensed the right to manufacture and sell
4 my designs, the RSK Mk 1, the RSK Mk 2 and the RSK Mk 3.

5 Q. Are they licensed to manufacture the designs of
6 other knife makers or knife designers or are you the only
7 one that they sell for?

8 A. They are a retailer for a large, a vast number of
9 manufacturers, I think. I honestly don't know.

10 Q. Okay. Fair enough.

11 There is also an organization who is not a
12 plaintiff in this case called Knife Rights Foundation; is
13 that correct?

14 A. That is correct.

15 Q. What is your affiliation, if any, with that? Is
16 this a corporation?

17 A. Uh-huh, I'm chairman of the board.

18 Q. Are you also the executive director?

19 A. No, we don't have an executive director of the
20 foundation.

21 Q. Are there other members of the board?

22 A. There are.

23 Q. Are they the same members that are members of
24 Knife Rights, Inc.?

25 A. Some of them are.

D. RITTER

1 your duties and obligations or responsibilities there?

2 A. Essentially the same.

3 Q. Essentially the same?

4 A. Yes.

5 Q. What's the difference between the two, between
6 Knife Rights, Inc. and Knife Rights Foundation?

7 A. First of all, Knife Rights, Inc. is a 501C3 or
8 C4. Knife Rights, Inc. is a 501C4. It's a membership
9 organization. Knife Rights Foundation is a 501C3. You
10 know, it's founded primarily to do educational-type stuff
11 that a 501C3 would do. The foundation is prohibited by
12 federal law from doing legislative work. Contributions to
13 the foundation are tax-deductible. Contributions to Knife
14 Rights, Inc., as we do legislative work, that is our
15 primary reason for being in many respects, are not
16 deductible, so two very different organizations, both
17 interested in maintaining our knife rights.

18 Q. And both organizations are accessed by going to
19 the same website KnifeRights.org?

20 A. That's correct.

21 Q. Do they have separate web sites that are not, you
22 know, KnifeRights.org, but other web sites?

23 A. No.

24 Q. You had to pause; is there any particular reason?

25 A. Well, because I was just trying to think. We

D. RITTER

1 have a bunch of domains but they are not in use and so
2 there are not any web sites so, no.

3 Q. So going to Knife Rights, Inc., the Plaintiff
4 here, what do you view as its purpose, you as the chairman
5 of the board and the executive director; what is its
6 purpose?

7 A. I think the mission statement for Knife Rights,
8 Inc. is to essentially protect and enhance our right to
9 own, buy, sell, carry, use knives as tools, to promote the
10 safe use of knives, to promote responsible use of knives,
11 to oppose anti-knife legislation, to encourage pro-knife
12 legislation. You know, pretty much what any civil rights
13 organization would do.

14 Q. And Knife Rights Foundation, what is its purpose?

15 A. The Foundation was originally conceived as a --
16 primarily as an educational and research foundation that
17 would -- that would promote knife safety with educational
18 publications and stuff on the web, that would publish
19 information about existing law, that would finance --
20 salary work on the subject of knives and the law, that sort
21 of thing. Subsequently, because of the need to address the
22 District Attorney's misapplication of New York's penal code
23 on gravity knives and switchblades, it's also become the
24 source of funding for the legal affairs.

25 Q. That's the foundation?

D. RITTER

1 A. That's the foundation.

2 Q. And that, considering what type of organization
3 is it under the tax code, that's permissible?

4 A. That's correct.

5 Q. So when someone goes to KnifeRights.org and signs
6 up as a member, are they a member of both organizations or
7 just one?

8 A. No, the member organization is Knife Rights.

9 Q. So Knife Rights Foundation has no memberships?

10 A. That's correct.

11 Q. They are a, Knife Rights Foundation is a
12 donor-funded incorporation; would that be fair to say?

13 A. I'm not sure I understand the question.

14 Q. How does it sustain itself? Where does it get
15 money to sustain itself as an organization?

16 A. It gets contributions.

17 Q. From the website and or elsewhere or just from
18 the website?

19 A. Some come in via the website. I would say the
20 majority come in elsewhere.

21 Q. You indicated that part of your duties as the
22 chairman of the board and as the executive director of
23 Knife Rights, Inc., that you do legislative lobbying; what
24 do you do specifically when you are lobbying, how do you
25 lobby?

D. RITTER

1 recall, that you met representatives and then you name
2 several -- are they manufacturers?

3 A. AG Russell is a retailer, sponsors shows and is
4 also a manufacturer of knives as well. The rest are all
5 manufacturers. The custom knife makers are custom knife
6 makers, I mean they are not manufacturers. They make
7 knives by hand, essentially.

8 Q. I'm going to ask you to look at what's been
9 previously marked as Exhibit C and those are documents
10 provided by your Counsel. They are Bates-stamped KR00397
11 through KR00508.

12 A. Okay.

13 Q. Just looking at the very first page, under Bates
14 stamp 397 --

15 A. Okay.

16 Q. -- is that your handwriting?

17 A. No, it is not.

18 Q. Do you know whose handwriting it is?

19 A. Yes, it's my wife's.

20 Q. Is this just a generalized -- of the expenditures
21 for the trip to Arkansas, for the AG Russell event?

22 A. Correct.

23 Q. The very top line, could you read what that says.

24 A. KRF apostrophe Inc.

25 Q. Apostrophe or comma?

D. RITTER

1 A. Excuse me, comma.

2 Q. Does KRF refer to Knife Rights Foundation, Inc.?

3 A. I don't know. My wife put this together.

4 Q. You don't know? What is your wife in
5 relationship to Knife Rights, Inc. or Knife Rights
6 Foundation?

7 A. She is a volunteer.

8 Q. What does she volunteer to do?

9 A. Essentially bookkeeping and those kind of, sort
10 of -- I guess what you might refer to as clerical things,
11 when she is well enough to do it.

12 Q. You are not familiar with these documents?

13 A. I glanced at them. She put it together for
14 Counsel when I asked her to put together all the expenses.

15 Q. So she pulled up whatever expenditures were, just
16 looking at the first few documents, related to your
17 attendance at the AG Russell knife event?

18 A. Yes.

19 Q. If you know, and we may have to have another
20 witness to clarify this, but if you know, the very first
21 line, is that who was charged or whoever the expenses were
22 expensed to?

23 A. I don't know.

24 Q. You don't know, okay.

25 MS. BAILEY: Just note for the record we are

D. RITTER

1 materials which is C. I'm going to go to Bates stamp
2 number KR00405.

3 A. Okay.

4 Q. In here is this a listing of -- in your wife's
5 handwriting, of expenditures for the trip that is
6 referenced in paragraph 11 of the declaration, the meeting
7 in New York with Paragon.

8 A. I believe so.

9 Q. At the very top line on that report it says Knife
10 Rights Foundation, all written out, each word.

11 A. Uh-huh, again, I think my wife -- it couldn't
12 have been Knife Rights Foundation, because Knife Rights
13 Foundation didn't have any money at that time, so I'm
14 assuming she is --

15 Q. She expended it to the wrong organization?

16 A. I assume that her title is incorrect because
17 money couldn't have come from the foundation at the time.
18 Sue is not a bookkeeper or CPA. She just tries and keeps
19 things in order and then we hand it off to the accountant
20 who does all the accounting.

21 Q. So if the idea is that the handwritten notes by
22 Ms. Ritter that indicate Knife Rights Foundation was
23 charged for -- debited these expenditures for these trips,
24 that you believe that that is wrong; is there some sort of
25 accountant forms that were done on behalf of Knife Rights,

D. RITTER

1 Inc. or Knife Rights Foundation that show us where these
2 expenditures were debited to?

3 A. I assume that they are someplace.

4 MS. BAILEY: I'm just going to note for the
5 record to come back. We have to get those
6 reports.

7 MR. JENSEN: We'll take it under advisement.
8 I would suggest that we speak about it after the
9 deposition.

10 MS. BAILEY: That's fine.

11 Q. If you go to paragraph 12 of Exhibit B, your
12 declaration.

13 A. Okay.

14 Q. In that paragraph 12 you are referencing a
15 Mr. Jasne, J-A-S-N-E, in New York City?

16 A. Jasne.

17 Q. Excuse me, what's the pronunciation?

18 A. Jasne.

19 Q. Jasne, thank you. Is Mr. Jasne or was Mr. Jasne
20 a criminal attorney that was hired on behalf of individuals
21 arrested here in New York County, hired or paid for by
22 Knife Rights?

23 A. Yes.

24 Q. Do you recall specifically which individual you
25 were meeting with Mr. Jasne with on -- during the July 2010

D. RITTER

1 meeting? Which criminal defendant were you meeting about?

2 A. At that particular time we were not meeting about
3 a specific defendant.

4 Q. Were you meeting just to discuss generally the
5 concept of using him to represent individuals in New York
6 County that may be arrested and charged with either gravity
7 knives or switchblades?

8 A. That was part of the discussion. Part of it was
9 to try and get a better understanding --

10 MR. JENSEN: I'm going to stop him. We have
11 an issue here. We are obviously going into what
12 he discussed with an attorney that they retained.
13 Is there some way we can narrow the question a
14 little bit?

15 MS. BAILEY: I don't want go into the
16 conversations about -- well, there is no
17 attorney-client privilege if he has hired -- if
18 he has hired somebody for someone else and he is
19 part of that conversation. The privilege is
20 pierced.

21 MR. JENSEN: Well, there definitely is --
22 for example, when an insurance company retains
23 counsel for an individual insured, but the
24 insurance company and the individual insured have
25 an attorney-client relationship.

D. RITTER

1 MS. BAILEY: We are going to establish that
2 that's what this is then.

3 MR. JENSEN: Sure.

4 MS. BAILEY: Before we go down that road.

5 Q. Did you have a retainer with him?

6 A. Yes, we paid him a retainer.

7 Q. Did you pay the retainer out of Knife Rights
8 Foundation or Knife Rights, Inc.?

9 A. I assume it was out of Knife Rights, Inc.

10 MR. JENSEN: Don't assume.

11 MS. BAILEY: Please stop coaching the
12 Witness.

13 MR. JENSEN: I'm not coaching the Witness.

14 MS. BAILEY: You are.

15 MR. BACH: Do we want him to assume or do
16 you want facts? I apologize.

17 (Whereupon, an off-the-record discussion was
18 held.)

19 Q. If you know.

20 A. I don't know for fact.

21 Q. Thank you. Looking at again the large exhibit,
22 C, and go to Bates-stamped KR00441.

23 A. All right.

24 Q. Was this retainer entered into with Mr. Jasne?

25 A. No, I think this is a bill -- I mean, the

D. RITTER

1 retainer was the document that I signed.

2 Q. So the bill -- assuming that it's a bill for
3 professional services and it indicates a retainer was
4 entered on 10/14/2010 for \$10,000.

5 A. Okay.

6 Q. Is that correct?

7 A. That's what it says.

8 Q. Do you recall that being roughly around the time,
9 October 2010, that you entered the retainer agreement with
10 Mr. Jasne?

11 A. Yes, that's about right.

12 Q. At the top of it, this is a typed, written, typed
13 report, expense report. It indicates that it was expensed
14 to Knife Rights Foundation Inc., correct?

15 A. That's who it was made out to.

16 Q. Can you go to 13, paragraph 13 of your
17 declaration.

18 The New York Custom Knife Show, is that an annual
19 show?

20 A. It is.

21 Q. Had you participated in or attended that show in
22 the past, before 2010?

23 A. No.

24 Q. I'm sorry?

25 A. Never.

D. RITTER

1 Q. Never. Okay.

2 As a representative of Knife Rights, Inc. or
3 Foundation, is the only show that you would go to the one
4 that was held in Georgia?

5 A. That's the only knife show we attended, yes.
6 Well, correction, we -- I also as well as Knife Rights
7 generally attend -- Phoenix has a custom knives show and
8 since it's local for us, since we -- you know, we started
9 doing it, when we did knife preemption in Arizona --
10 (inaudible) because there is no travel and significant
11 expenses involved.

12 Q. In the other states where you had lobbied for
13 preemption laws, do any of them have knife shows that you
14 recall?

15 A. I believe there are knife shows in every one of
16 the 50 states.

17 Q. Really? So in those states where you went and
18 lobbied on behalf of the preemption laws, Kansas I think
19 you said was one, have you ever attended the knife shows
20 there?

21 A. No.

22 Q. Getting back to the Secaucus, New Jersey, custom
23 knife show in November of 2010; is it fair to say that you
24 went there to follow up on the concerns that were raised by
25 DA Vance's enforcements against gravity knives and

D. RITTER

1 switchblade knives that you learned about in Georgia?

2 A. That's the only reason.

3 Q. You were following up to find out more
4 information about that?

5 A. To find out more information, to meet with
6 attorneys at the same time, same place. I mean there was
7 no other reason to go to Secaucus.

8 Q. So now going back to the Exhibit B, the
9 declaration, to paragraph 16. The East Coast Custom Knife
10 Show in Jersey City, New Jersey, that -- from March 2011.

11 A. Hang on, let me read the paragraph, please.

12 Q. I'm just directing your attention. That's all.

13 A. Okay.

14 Q. This is the first time that you as a
15 representative of Knife Rights, Inc. went to Jersey City,
16 New Jersey, to the East Coast Custom Knife Show?

17 A. That's the first time I attended the East Coast
18 Custom Knife Show, period.

19 Q. Looking at Exhibit C, Bates-stamped KR00422.

20 A. Okay.

21 Q. And that has the ECCKS, is that for the East
22 Coast Custom Knife Show?

23 A. East Coast Custom Knife Show, yes.

24 Q. From March 4th to 6th, 2011?

25 A. Yes.

D. RITTER

1 Q. Is that a summary of the expenditures during that
2 trip?

3 A. That would appear to be, yes.

4 Q. At the top, does it appear that it was expensed
5 to Knife Rights Foundation, Inc.?

6 A. It does say KRF comma Inc.

7 Q. Would it be fair to say that the reason you went
8 to Jersey City, New Jersey, to see the East Coast Custom
9 Knife Show was to follow up with the concerns that industry
10 members had related to you in Georgia at the blade show
11 about DA Vance's enforcement on gravity knives and
12 switchblade laws here in New York County?

13 A. It's the only reason we went to the East Coast
14 Custom Knife Show.

15 Q. In paragraph 17 on the declaration, Exhibit B --

16 A. Okay.

17 Q. -- you reference unnamed manufacturers,
18 designers, distributors and retailers, who have sought
19 clarification or guidance.

20 A. Reference what? What was the first word you
21 said?

22 Q. Manufacturers.

23 A. No, before that.

24 Q. Unidentified.

25 A. I don't believe it says unidentified, unless I'm